REPORT OF THE INTERNATIONAL COURT OF JUSTICE

1 August 1990 - 31 July 1991

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTY-SIXTH SESSION

SUPPLEMENT No. 4 (A/46/4)

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I. COMPOSITION OF THE COURT

1. The present composition of the Court is as follows: President: Sir Robert Yewdall Jennings; Vice-President: Shigeru Oda; Judges: Manfred Lachs, Taslim Olawale Elias, , Roberto Ago, Stephen M. Schwebel, Mohammed Bedjaoui, Ni Zhengyu, Jens Evensen, Nikolai K. Tarassov, Gilbert Guillaume, Mohamed Shahabuddeen, Andrés Aguilar Mawdsley, Christopher G. Weeramantry and Raymond Ranjeva.

2. On 15 November 1990, the General Assembly and the Security-Council re-elected Judges Sir Robert Jennings and G. Guillaume and elected Messrs. A. Aguilar Mawdsley, C.G. Weeramantry and R. Ranjeva as Members of the Court for a term of nine years beginning on 6 February 1991. At a public sitting of the Court, held on 8 February 1991, Judges Aguilar Mawdsley, Weeramantry and Ranjeva made the solemn declaration provided for in Article 20 of the Statute.

3. On 7 February 1991 the Court elected Judge Sir Robert Jennings as President and Judge Shigeru Oda as Vice-President, for a term of three years.

4. The Registrar of the Court is Mr. Eduardo Valencia-Ospina. The Deputy-Registrar is Mr. Bernard Noble.

5. In accordance with Article 29 of the Statute, the Court forms annually a Chamber of Summary Procedure. On 7 February 1991, this Chamber was constituted as follows:

Members

President, Sir Robert Jennings;

Vice-President, S. Oda;

Judges S.M. Schwebel, Ni Zhengyu and J. Evensen.

Substitute members

Judges N. Tarassov and A. Aguilar Mawdsley.

6. The original membership of the Chamber formed by the Court on 8 May 1987 for the purpose of dealing with the case concerning the Land, Island and Maritime Frontier Dispute (El Salvador/Honduras) was as follows: Judges José Sette-Camara (President of the Chamber), S. Oda and Sir Robert Jennings; Judges ad hoc Nicolas Valticos and Michel Virally, chosen respectively by El Salvador and Honduras. Following the death of Judge Virally Honduras chose Mr. Santiago Torres Bernárdez to replace him. On 13 December 1989 the Court made an Order declaring the following new composition of the Chamber: Judges José Sette-Camara (President of the Chamber), Shigeru Oda and Sir Robert Jennings; Judges ad hoc Nicolas Valticos and Santiago Torres Bernárdez.

7. The Court learned with regret of the death, in December 1990, of Mr. Claude-Albert Colliard, chosen by Nicaragua to sit as judge ad hoc in the case concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America).

8. In the case concerning Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway), Denmark has chosen Mr. Paul Henning Fischer to sit as judge ad hoc.

9. In the case concerning the Arbitral Award of 31 July 1989 (Guinea Bissau v. Senegal), Guinea-Bissau has chosen Mr. Hubert Thierry to sit as judge ad hoc. Following the above-mentioned triennial elections (see para. 2), Senegal, as from 6 February 1991, no longer had a judge of its nationality on the bench. It has chosen Mr. Kéba Mbaye to sit as judge ad hoc in the case.

10. In the case concerning the Territorial Dispute (Libyan Arab Jamahiriya/Chad), Chad has chosen Mr. Georges M. Abi-Saab to sit as judge ad hoc.

11. In the case concerning the Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. United States of America), Iran has chosen Mr. Mohsen Aghahosseini to sit as judge ad hoc.

12. In the case concerning Passage through the Great Belt (Finland v. Denmark), Denmark has chosen Mr. Paul Henning Fischer and Finland Mr. Bengt Broms to sit as judges ad hoc.

II. JURISDICTION OF THE COURT

A. Jurisdiction of the Court in contentious cases

13. On 31 July 1991, the 159 States Members of the United Nations, together with Nauru, San Marino and Switzerland, were parties to the Statute of the Court.

14. There are now 53 States which have made declarations (a number of them with reservations) recognizing the jurisdiction of the Court as compulsory, as contemplated by Article 36, paragraphs 2 and 5, of the Statute. They are: Australia, Austria, Barbados, Belgium, Botswana, Cambodia, Canada, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, Egypt, El Salvador, Finland, Gambia, Guinea-Bissau, Haiti, Honduras, India, Japan, Kenya, Liberia, Liechtenstein, Luxembourg, Malawi, Malta, Mauritius, Mexico, Nauru, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Senegal, Somalia, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay and Zaire. The texts of the declarations filed by those States appear in Chapter IV, Section II, of the I.C.J. Yearbook 1990-1991. The declarations of Poland and Spain were deposited with the Secretary-General of the United Nations during the 12 months under review, on 25 September and 29 October 1990 respectively.

15. Since 1 August 1990, two treaties providing for the jurisdiction of the Court in contentious cases and registered with the Secretariat of the United Nations have been brought to the knowledge of the Court: the Convention on the Marking of Plastic Explosives for the Purpose of Detection, adopted on 1 March 1991 by the Diplomatic Conference convened by ICAO at Montreal (Art. XI); and the Franco-Libyan Treaty of Friendship and Good Neighbourliness of 10 August 1955 (Art. 8).

16. Lists of treaties and conventions in force which provide for the jurisdiction of the Court appear in Chapter IV, Section II, of the I.C.J. Yearbook 1990-1991. In addition, the jurisdiction of the Court extends to treaties or conventions in force providing for reference to the Permanent Court of International Justice (Statute, Art. 37).

B. Jurisdiction of the Court in advisory proceedings

17. In addition to the United Nations (General Assembly, Security Council, Economic and Social Council, Trusteeship Council, Interim Committee of the General Assembly, Committee on Applications for Review of Administrative Tribunal Judgements), the following organizations are at present authorized to request advisory opinions of the Court on legal questions:

International Labour Organisation;

Food and Agriculture Organization of the United Nations;

United Nations Educational, Scientific and Cultural Organization;

International Civil Aviation Organization;

World Health Organization;

World Bank;

International Finance Corporation;

International Development Association;

International Monetary Fund;

International Telecommunication Union;

World Meteorological Organization;

International Maritime Organization;

World Intellectual Property Organization;

International Fund for Agricultural Development;

United Nations Industrial Development Organization;

International Atomic Energy Agency.

18. The international instruments which make provision for the advisory jurisdiction of the Court are listed in Chapter IV, Section I, of the I.C.J. Yearbook 1990-1991.

19. The Court has taken note of the paragraph of the Report of the Secretary-General on the work of the Organization (A/45/1, at p. 7), which reads as follows:

"The rule of law in international affairs should also be promoted by a greater recourse to the International Court of Justice not only in adjudicating disputes of a legal nature but also in rendering advisory opinion on the legal aspects of a dispute. Article 96 of the Charter authorizes the General Assembly and the Security Council to request such an opinion from the Court. I believe that the extension of this authority to the Secretary-General would greatly add to the means of peaceful solutions of international crisis situations. The suggestion is prompted by the complementary relationship between the Security Council and the Secretary-General and by the consideration that almost all situations bearing upon international peace and security require the strenuous exercise of the good offices of the Secretary-General."

III. JUDICIAL WORK OF THE COURT

20. During the period under review the Court was seised of the following five contentious cases: Territorial Dispute (Libyan Arab Jamahiriya/Chad), East Timor (Portugal v. Australia), Maritime Delimitation between Guinea-Bissau and Senegal, Passage through the Great Belt (Finland v. Denmark) and the case introduced by Qatar against Bahrain. Preliminary objections were filed in the cases concerning Certain Phosphate Lands in Nauru (Nauru v. Australia) and concerning the Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. United States of America).

21. The Court held 14 public sittings and 26 private meetings. It made one Order in the contentious case concerning the Territorial Dispute (Libyan Arab Jamahiriya/Chad), one Order in the contentious case concerning Certain Phosphate Lands in Nauru (Nauru v. Australia), one Order in the contentious case concerning the Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. United States of America) and one Order in the contentious case concerning Passage through the Great Belt (Finland v. Denmark). The President of the Court made one Order in the contentious case concerning East Timor (Portugal v. Australia) and one Order in the contentious case concerning Passage through the Great Belt (Finland v. Denmark).

22. The Chamber constituted to deal with the case concerning the Land, Island and Maritime Frontier Dispute (El Salvador/Honduras; Nicaragua intervening) held 51 public sittings and 24 private meetings. It delivered a Judgment on the Application by Nicaragua for permission to intervene. The President of the Chamber made one Order.

A. Contentious cases before the Court

1. Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)

23. In its Judgment of 27 June 1986 on the merits of this case, the Court found, inter alia, that the United States of America was under an obligation to make reparation to the Republic of Nicaragua for all injury caused to Nicaragua by certain breaches of obligations under international law committed by the United States. It further decided "that the form and amount of such reparation, failing agreement between the Parties, [would] be settled by the Court", reserving for that purpose the subsequent procedure.

24. In a letter of 7 September 1987, the Agent of Nicaragua stated that no agreement had been reached between the Parties as to the form and amount of the reparation and that Nicaragua requested the Court to make the necessary orders for the further conduct of the case.

25. By a letter dated 13 November 1987, the Deputy-Agent of the United States informed the Registrar that the United States remained of the view that the Court was without jurisdiction to entertain the dispute and that the Nicaraguan Application was inadmissible, and that,

accordingly, the United States would not be represented at a meeting, to be held in accordance with Article 31 of the Rules of Court, for the purpose of ascertaining the views of the Parties on the procedure to be followed.

26. After having ascertained the views of the Government of Nicaragua and having afforded the Government of the United States of America an opportunity of stating its views, the Court, by an Order of 18 November 1987, fixed 29 March 1988 as the time-limit for a Memorial of the Republic of Nicaragua and 29 July 1988 as the time-limit for a Counter-Memorial of the United States of America.

27. The Memorial of the Republic of Nicaragua was duly filed on 29 March 1988. The United States of America did not file a Counter-Memorial within the prescribed time-limit.

28. At a meeting on 22 June 1990 called by the President of the Court to ascertain the views of Nicaragua and the United States of America on the date for the opening of oral proceedings on compensation in this case, the Agent of Nicaragua informed the President of the position of his Government, already set out in a letter from the Agent to the Registrar of the Court dated 20 June 1990. He indicated that the new Government of Nicaragua was carefully studying the different matters it had pending before the Court; that the instant case was very complex and that, added to the many difficult tasks facing the Government, those were special circumstances that would make it extremely inconvenient for it to take a decision on what procedure to follow in this case during the coming months. The President, in the light of the position thus taken by the Government of Nicaragua, stated that he would inform the Court and in the meantime take no action to fix a date for hearings.

2. Border and Transborder Armed Actions (Nicaragua v. Honduras)

29. On 28 July 1986 the Republic of Nicaragua filed in the Registry of the Court an Application instituting proceedings against the Republic of Honduras. The matters referred to in the Application included alleged border and transborder armed actions organized by contras on its territory from Honduras, the giving of assistance to the contras by the armed forces of Honduras, direct participation by the latter in military attacks against its territory, and threats of force against it emanating from the Government of Honduras. It requested the Court to adjudge and declare:

> "(a) That the acts and omissions of Honduras in the material period constitute breaches of the various obligations of customary international law and the treaties specified in the body of this Application for which the Republic of Honduras bears legal responsibility;
>
> (b) That Honduras is under a duty immediately to cease and to refrain from all such acts as may constitute breaches of the foregoing legal obligations;
>
> (c) That Honduras is under an obligation to make reparation to the Republic of Nicaragua for all injury caused to Nicaragua by the breaches of obligations under the pertinent rules of customary international law and treaty provisions."

30. Since Honduras contested that the Court had jurisdiction over the matters raised by the Application, the Court decided that the first pleadings should deal exclusively with the issues of jurisdiction and admissibility. Those pleadings having been filed and the oral arguments of the Parties on those issues having been heard, the Court, in a Judgment delivered on 20 December 1988, found that it had jurisdiction to entertain the Application of Nicaragua and that that Application was admissible.

31. On 21 April 1989 the President of the Court fixed time-limits for written proceedings on the merits: 19 September 1989 for the Memorial of Nicaragua and 19 February 1990 for the Counter-Memorial of Honduras.

32. On 31 August 1989 the President of the Court made an Order extending to 8 December 1989 the time-limit for the Memorial and reserving the question of extension of the time-limit for the Counter-Memorial. The Memorial of Nicaragua was filed within the prescribed time-limit.

33. By letters dated 13 December 1989 the Agents of both Parties transmitted to the Court the text of an agreement reached by the Presidents of the Central American countries on 12 December 1989 in San Isidro de Coronado, Costa Rica. They referred in particular to paragraph 13 thereof, which recorded the agreement of the President of Nicaragua and the President of Honduras, in the context of arrangements aimed at achieving an extra-judicial settlement of the dispute which is the subject of the proceedings before the Court, to instruct their Agents in the case to communicate immediately, either jointly or separately, the agreement to the Court, and to request the postponement of the date for the fixing of the time-limit for the presentation of the Counter-Memorial of Honduras until 11 June 1990.

34. By an Order of 14 December 1989 the Court decided that the time-limit for the filing by Honduras of a Counter-Memorial on the merits was extended from 19 February 1990 to a date to be fixed by an order to be made after 11 June 1990. Subsequent to the date last mentioned, the President of the Court consulted the Parties, concluded that they did not desire the new time-limit for the Counter-Memorial to be fixed for the time being, and informed them that he would so advise the Court.

3. Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway)

35. On 16 August 1988, the Kingdom of Denmark filed in the Registry of the Court an Application instituting proceedings against the Kingdom of Norway.

36. In its Application, Denmark explained that, despite negotiations conducted since 1980, it had not been possible to find an agreed solution to a dispute with regard to the delimitation of Denmark's and Norway's fishing zones and continental shelf areas in the waters between the east coast of Greenland and the Norwegian island of Jan Mayen, where there is an area of some 72,000 square kilometres to which both Parties lay claim.

37. It therefore requested the Court:

"to decide, in accordance with international law, where a single line of delimitation shall be drawn between Denmark's and Norway's fishing zones and continental shelf areas in the waters between Greenland and Jan Mayen".

38. Denmark chose Mr. Paul Henning Fischer to sit as a judge ad hoc.

39. On 14 October 1988 the Court, taking into account the views expressed by the Parties, fixed 1 August 1989 as the time-limit for the Memorial of Denmark and 15 May 1990 as that for the Counter-Memorial of Norway. Both the Memorial and the Counter-Memorial were filed within the prescribed time-limits.

40. Taking into account an agreement between the Parties that there should be a Reply and a Rejoinder, the President of the Court, by an Order of 21 June 1990, fixed 1 February 1991 as the time-limit for the Reply of Denmark and 1 October 1991 as that for the Rejoinder of Norway. The Reply was filed within the prescribed time-limit.

4. Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. United States of America)

41. On 17 May 1989 the Islamic Republic of Iran filed in the Registry of the Court an Application instituting proceedings against the United States of America.

42. In its Application, the Islamic Republic of Iran referred to:

"The destruction of an Iranian aircraft, Iran Air Airbus A-300B, flight 655, and the killing of its 290 passengers and crew by two surface-to-air missiles launched from the USS Vincennes, a guided-missile cruiser on duty with the United States Persian Gulf/Middle East Force in the Iranian airspace over the Islamic Republic's territorial waters in the Persian Gulf on 3 July 1988".

It contended that, "by its destruction of Iran Air flight 655 and taking 290 lives, its refusal to compensate the Islamic Republic for damages arising from the loss of the aircraft and individuals on board and its continuous interference with the Persian Gulf aviation", the Government of the United States had violated certain provisions of the Chicago Convention on International Civil Aviation (7 December 1944), as amended, and of the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (23 September 1971), and that the Council of the International Civil Aviation Organization (ICAO) had erred in a decision taken on 17 March 1989 with respect to the incident.

43. The Government of the Islamic Republic of Iran requested the Court to adjudge and declare:

> "(a) That the ICAO Council decision is erroneous in that the Government of the United States has violated the Chicago Convention, including the Preamble, Articles 1, 2, 3 bis and 44 (a) and (h) and Annex 15 of the Chicago Convention as well as Recommendations 2.6/1 of the Third Middle East Regional Air Navigation Meeting of ICAO;
>
> (b) That the Government of the United States has violated Articles 1, 3 and 10 (1) of the Montreal Convention; and
>
> (c) That the Government of the United States is responsible to pay compensation to the Islamic Republic, in the amount to be determined by the Court, as measured by the injuries suffered by the Islamic Republic and the bereaved families as a result of these violations, including additional financial losses which Iran Air and the bereaved families have suffered for the disruption of their activities."

44. By an Order of 13 December 1989 the Court, taking into account the views expressed by each of the Parties, fixed 12 June 1990 as the time-limit for the filing of the Memorial of the Islamic Republic of Iran and 10 December 1990 for the filing of the Counter-Memorial of the United States of America.

45. By an Order of 12 June 1990, made in response to a request by the Islamic Republic of Iran and after the views of the United States of America had been ascertained, the President of the Court extended to 24 July 1990 the time-limit for the filing of the Memorial of the Islamic Republic of Iran and to 4 March 1991 the time-limit for the Counter-Memorial of the United States of America. The Memorial was filed within the prescribed time-limit as thus extended.

46. On 4 March 1991, within the time-limit fixed for the filing of its Counter-Memorial, the United States of America filed certain preliminary objections to the jurisdiction of the Court. By virtue of the provisions of Article 79, paragraph 3, of the Rules of Court, the proceedings on the merits were suspended and a time-limit had to be fixed for the presentation by the other Party of a written statement of its observations and submissions on the preliminary objections. By an Order of 9 April 1991 (I.C.J. Reports 1991, p. 6) the Court, having taken into account the views of the Parties, fixed 9 December 1991 as the time-limit within which the Islamic Republic of Iran may present such observations and submissions.

47. The Islamic Republic of Iran chose Mr. Mohsen Aghahosseini to sit as judge ad hoc. At a public sitting, held on Tuesday 9 April 1991, Judge ad hoc Aghahosseini made the solemn declaration required by the Statute and Rules of Court.

5. Certain Phosphate Lands in Nauru (Nauru v. Australia)

48. On 19 May 1989 the Republic of Nauru filed in the Registry of the Court an Application instituting proceedings against the Commonwealth of Australia in a dispute concerning the rehabilitation of certain phosphate lands mined under Australian administration before Nauruan independence.

49. In its Application, Nauru claimed that Australia had breached the trusteeship obligations it accepted under Article 76 of the Charter of the United Nations and under Articles 3 and 5 of the Trusteeship Agreement for Nauru of 1 November 1947. Nauru further claimed that Australia had breached certain obligations towards Nauru under general international law.

50. The Republic of Nauru requested the Court to adjudge and declare:

> "That Australia has incurred an international legal responsibility and is bound to make restitution or other appropriate reparation to Nauru for the damage and prejudice suffered"; and further
>
> "That the nature and amount of such restitution or reparation should, in the absence of agreement between the Parties, be assessed and determined by the Court, if necessary, in a separate phase of the proceedings."

51. On 18 July 1989 the Court, having ascertained the views of the Parties, fixed 20 April 1990 as the time-limit for the Memorial of Nauru and 21 January 1991 for the Counter-Memorial of Australia. The Memorial was filed within the prescribed time-limit.

52. On 16 January 1991, within the time-limit of 21 January 1991 fixed for the filing of its Counter-Memorial, Australia filed certain preliminary objections whereby it asked the Court to adjudge and declare "that the Application by Nauru is inadmissible and that the Court lacks jurisdiction to hear the claims made by Nauru". In accordance with Article 79, paragraph 2, of the Rules of Court (cf. above, para. 44) the proceedings on the merits were suspended and the Court, by an Order of 8 February 1991 (I.C.J. Reports 1991, p. 3), fixed 19 July 1991 as the time limit within which Nauru might present a written statement of its observations and submissions on the objections. That written statement was filed within the prescribed time-limit.

6. Arbitral Award of 31 July 1989 (Guinea-Bissau v. Senegal)

53. On 23 August 1989 the Republic of Guinea-Bissau filed an Application instituting proceedings against the Republic of Senegal.

54. The Application explained that, notwithstanding negotiations carried on from 1977 onwards, the two States had been unable to reach agreement regarding the settlement of a dispute concerning a maritime delimitation to be effected between them and for that reason had jointly consented, by an Arbitration Agreement dated 12 March 1985, to submit that dispute to an Arbitration Tribunal composed of three members. It

further indicated that according to the terms of Article 2 of that Agreement, the Tribunal had been asked to rule on the following twofold question:

> "1. Does the agreement concluded by an exchange of letters [between France and Portugal] on 26 April 1960, and which relates to the maritime frontier, have the force of law in the relations between the Republic of Guinea-Bissau and the Republic of Senegal?
>
> 2. In the event of a negative answer to the first question, what is the course of the line delimiting the maritime territories appertaining to the Republic of Guinea-Bissau and the Republic of Senegal respectively?"

55. The Application added that it had been specified, in Article 9 of the Agreement, that the Tribunal would inform the two Governments of its decision regarding the questions set forth in Article 2, and that that decision should include the drawing on a map of the frontier line - the Application emphasized that the Agreement used the word "line" in the singular.

56. According to the Application, the Tribunal communicated to the Parties on 31 July 1989 a "text that was supposed to serve as an award" but did not in fact amount to one. Guinea-Bissau therefore asked the Court to adjudge and declare:

> "- that that so-called decision is inexistent in view of the fact that one of the two arbitrators making up the appearance of a majority in favour of the text of the 'award' has, by a declaration appended to it, expressed a view in contradiction with the one apparently adopted by the vote;
>
> - subsidiarily, that that so-called decision is null and void, as the Tribunal did not give a complete answer to the two-fold question raised by the Agreement and so did not arrive at a single delimitation line duly recorded on a map, and as it has not given the reasons for the restrictions thus improperly placed upon its jurisdiction;
>
> - that the Government of Senegal is thus not justified in seeking to require the Government of Guinea-Bissau to apply the so-called award of 31 July 1989."

57. Guinea-Bissau chose Mr. Hubert Thierry to sit as a judge ad hoc. At the public sitting of 12 February 1990 (see para. 60 below) Judge ad hoc Thierry made the solemn declaration required by the Statute and Rules of Court.

58. By an Order of 1 November 1989 the Court, having ascertained the views of the Parties, fixed 2 May 1990 as the time-limit for the Memorial of Guinea-Bissau and 31 October 1990 as that for the Counter-Memorial of Senegal. Both the Memorial and the Counter-Memorial were filed within the prescribed time-limits.

59. On 18 January 1990 a request was filed in the Registry whereby Guinea-Bissau, on the ground of actions stated to have been taken by the Senegalese Navy in a maritime area which Guinea-Bissau regarded as an area disputed between the Parties, requested the Court to indicate the following provisional measures:

> "In order to safeguard the rights of each of the Parties, they shall abstain in the disputed area from any act or action of any kind whatever, during the whole duration of the proceedings until the decision is given by the Court".

60. Having held public sittings on 12 February 1990 to hear the oral observations of both Parties on the request for provisional measures, the Court, in an Order of 2 March 1990, adopted by 14 votes to 1, dismissed that request. Judges Evensen and Shahabuddeen appended separate opinions, and Judge ad hoc Thierry a dissenting opinion, to the Order.

61. Oral proceedings on the merits of the case were held from 3 to 11 April 1991. During 7 public sittings, the Court heard statements made on behalf of Guinea-Bissau and of Senegal. Members of the Court put questions to the Parties.

62. Mr. Kéba Mbaye, chosen by Senegal to sit as judge ad hoc in the case (see above, para. 9), made the solemn declaration required by the Statute and Rules of Court, at the opening sitting of 3 April 1991.

63. At the time of preparation of this report, the Court is deliberating on the Judgment.

7. Territorial Dispute (Libyan Arab Jamahiriya/Chad)

64. On 31 August 1990 the Governement of the Socialist People's Libyan Arab Jamahiriya filed in the Registry of the Court a notification of an agreement between that Government and the Government of the Republic of Chad, entitled "Framework Agreement on the Peaceful Settlement of the Territorial Dispute between the Great Socialist People's Libyan Arab Jamahiriya and the Republic of Chad", concluded in Algiers on 31 August 1989.

65. The Framework Agreement provides, in Article 1, that

> "The two Parties undertake to settle first their territorial dispute by all political means, including conciliation, within a period of approximately one year, unless the Heads of State otherwise decide"

and in Article 2, that

> "In the absence of a political settlement of their territorial dispute, the two Parties undertake:
>
> (a) to submit the dispute to the International Court of Justice ...".

66. According to the notification

"the question put to the Court may be defined in the following terms:

'In further implementation of the Accord-Cadre [Framework Agreement], and taking into account the territorial dispute between the Parties, to decide upon the limits of their respective territories in accordance with the rules of international law applicable in the matter'".

67. On 3 September 1990, the Republic of Chad filed in the Registry of the Court an Application instituting proceedings against the Socialist People's Libyan Arab Jamahiriya, based on Article 2 (a) of the "Framework Agreement" and subsidiarily on Article 8 of a Franco-Libyan Treaty of Friendship and Good Neighbourliness of 10 August 1955.

68. By that Application the Republic of Chad

"respectfully requests the Court to determine the course of the frontier between the Republic of Chad and the Libyan Arab Jamahiriya, in accordance with the principles and rules of international law applicable in the matter as between the Parties".

69. Subsequently, the Agent of Chad, by a letter of 28 September 1990, informed the Court, inter alia, that his Government had noted that

"its claim coincides with that contained in the notification addressed to the Court on 31 August 1990 by the Libyan Arab Jamahiriya",

and considered that

"those two notifications relate to one single case, referred to the Court in application of the Algiers Agreement, which consitutes the Special Agreement, the principal basis of the Court's jurisdiction to deal with the matter".

70. At a meeting between the President of the Court and the representatives of the Parties held on 24 October 1990 it was agreed between the Agents of the Parties that the proceedings in the present case had in effect been instituted by two succesive notifications of the Special Agreement constituted by the "Framework Agreement" of 31 August 1989, that filed by the Libyan Arab Jamahiriya on 31 August 1990, and the communication from the Republic of Chad filed on 3 September 1990 read in conjunction with the letter from the Agent of Chad of 28 September 1990, and that the procedure in the case should be determined by the Court on that basis, pursuant to Article 46, paragraph 2, of the Rules of Court.

71. Having ascertained the views of the Parties, the Court decided by an Order of 26 October 1990 (I.C.J. Reports 1990, p. 149), that, as provided in Article 46, paragraph 2, of the Rules of Court, each Party should file a Memorial and Counter-Memorial, within the same time-limit and fixed 26 August 1991 as the time-limit for the Memorials.

72. Chad chose Mr. Georges M. Abi-Saab to sit as judge ad hoc.

8. East Timor (Portugal v. Australia)

73. On 22 February 1991 the Government of the Portuguese Republic filed in the Registry of the Court an Application instituting proceedings against the Commonwealth of Australia in a dispute concerning 'certain activities of Australia with respect to East Timor'.

74. In its Application Portugal referred, in order to establish the basis of the Court's jurisdiction, to the Declarations made by the two States under Article 36, paragraph 2, of the Statute of the Court.

75. It claimed that Australia, by negotiating, with Indonesia, an "agreement relating to the exploration and exploitation of the continental shelf in the area of the 'Timor Gap'", signed on 11 December 1989, by the "ratification and the initiation of the performance" of that agreement, by the "related internal legislation", by the "negotiation of the delimitation of that shelf", as also by the "exclusion of any negotiation on those matters with Portugal", had caused "particularly serious legal and moral damage to the people of East Timor and to Portugal, which will become material damage also if the exploitation of hydrocarbon resources begins".

76. Without prejudice to such arguments of fact and law and to such evidence as might be submitted in due course, and likewise without prejudice to the right to supplement and amend its submissions, Portugal requested the Court:

> "(1) To adjudge and declare that, firstly, the rights of the people of East Timor to self-determination, to territorial integrity and unity (as defined in paragraphs 5 and 6 of the present Application) and to permanent sovereignty over its wealth and natural resources and, secondly, the duties, powers and rights of Portugal as the power administering the territory of East Timor are opposable to Australia, which is under an obligation not to disregard them, but to respect them.
>
> (2) To adjudge and declare that Australia, inasmuch as in the first place it has negotiated, concluded and begun to carry out the agreement referred to in paragraph 18 of the statement of facts, has taken internal legislative measures for the application thereof, and is continuing to negotiate, with the State party to that agreement, the delimitation of the continental shelf in the area of the "Timor Gap"; and inasmuch it has furthermore excluded any negotiation with the administering power with respect to the exploration and exploitation of the continental shelf in that same area and, finally, inasmuch as it contemplates exploring and exploiting the subsoil of the sea in the "Timor Gap" on the basis of a plurilateral title to which Portugal is not a party (each of these facts sufficing on its own):
>
> (a) has infringed and is infringing the right of the people of East Timor to self-determination, to territorial integrity and unity and its permanent sovereignty over its natural

wealth and resources, and is in breach of the obligation not to disregard but to respect that right, that integrity and that sovereignty;

(b) has infringed and is infringing the powers of Portugal as the power administering the Territory of East Timor, is impeding the fulfilment of its duties to the People of East Timor and to the international community, offending against the right of Portugal to fulfil its responsibilities and is in breach of the obligation not to disregard but to respect those powers and duties and that right;

(c) is contravening Security Council resolutions 384 and 389 and, as a consequence, is in breach of the obligation to accept and apply Security Council resolutions laid down by Article 25 of the Charter of the United Nations and, more generally, is in breach of the obligation incumbent on Member States to co-operate in good faith with the United Nations;

(3) To adjudge and declare that, inasmuch as it has excluded and is excluding any negotiation with Portugal as the power administering the territory of East Timor, with respect to the exploration and exploitation of the continental shelf in the area of the "Timor Gap", Australia has failed and is failing in its duty to negotiate in order to harmonize the respective rights in the event of a conflict of rights or of claims over maritime areas.

(4) To adjudge and declare that, by the breaches indicated in paragraphs 2 and 3 of the present submissions, Australia has incurred international responsibility and has caused damage, for which it owes reparation to the people of East Timor and to Portugal, in such form and manner as may be indicated by the Court.

(5) To adjudge and declare that Australia is bound, in relation to the people of East Timor, to Portugal and to the international community, to cease from all breaches of the rights and international norms referred to in paragraphs 1, 2 and 3 of the present submissions and in particular, until such time as the people of East Timor shall have exercised its right to self-determination, under the conditions laid down by the United Nations:

(a) to refrain from any negotiation, signature or ratification of any agreement with a State other than the administering power concerning the delimitation, and the exploration and exploitation, of the continental shelf, or the exercise of jurisdiction over that shelf, in the area of the "Timor Gap";

(b) to refrain from any act relating to the exploration and exploitation of the continental shelf in the area of the "Timor Gap" or to the exercise of jurisdiction over that shelf, on the basis of any plurilateral title to which Portugal, as the power administering the territory of East Timor, is not a party."

77. By an Order of 3 May 1991 (I.C.J. Reports 1991, p. 9), the President of the Court, after a meeting with the Agents of the two Parties held on 2 May 1991, at which the Parties agreed on the time-limits set out hereafter, fixed 18 November 1991 as the time-limit for the filing of the Portuguese Memorial and 1 June 1992 as the time-limit for the Australian Counter-Memorial.

9. Maritime Delimitation between Guinea-Bissau and Senegal

78. On 12 March 1991, the Government of the Republic of Guinea-Bissau filed in the Registry of the Court an Application instituting proceedings against the Republic of Senegal in a dispute concerning the delimitation of all the maritime territories of those two States.

79. In its Application, Guinea-Bissau recalled that, by an Application dated 23 August 1989, it referred to the Court a dispute concerning the existence and validity of the Arbitral Award made on 31 July 1989 by the Arbitration Tribunal formed to determine the maritime boundary between the two States.

80. Guinea-Bissau claimed that the objective of the request laid before the Arbitration Tribunal was the delimitation of the maritime territories appertaining respectively to one and the other State, without excluding from the jurisdiction of the Tribunal any of the categories of territory over which the contemporary Law of the Sea now permits a coastal state to exercise rights, but that it was obvious, when the result of the Arbitration was made known on 31 July 1989, that it was not such as to make possible a definitive delimitation of all the maritime areas over which the Parties had rights and that, at the close of the proceedings pending before the Court and whatever might be their outcome, the delimitation of all the maritime territories would still not have been effected.

81. While reserving the right to supplement and amend its submissions during the subsequent proceedings, the Government of Guinea-Bissau asked the Court to adjudge and declare:

> "What should be, on the basis of the international law of the sea and of all the relevant elements of the case, including the future decision of the Court in the case concerning the Arbitral 'Award' of 31 July 1989, the line (marked on a map) delimiting the whole of the maritime territories appertaining respectively to Guinea-Bissau and Senegal."

10. Passage through the Great Belt (Finland v. Denmark)

82. On 17 May 1991 the Republic of Finland filed in the Registry of the Court an Application instituting proceedings against the Kingdom of Denmark in respect of a dispute concerning the question of passage of oil-rigs through the Great Belt (Store Baelt - one of the three straits linking the Baltic to the Kattegat and thence to the North Sea).

83. In its Application Finland contended that there is no foundation in international law for the unilateral exclusion by Denmark, through the projected construction of a "high-level bridge, 65 metres above main sea

level", of the passage between the Baltic and the North Sea by vessels such as drill ships and oil rigs or other existing or reasonably foreseeable ships with a height of 65 metres or above to and from Finnish shipyards and ports. Such exclusion allegedly violated Finland's rights in respect of free passage through the Great Belt as established in the relevant conventions and customary international law. Finland recognized that Denmark is fully entitled, as the territorial sovereign, to take measures to improve its internal and international traffic connections, but contended that Denmark's entitlement to take such measures is necessarily limited by the established rights and interests of all States, and of Finland in particular, in the maintenance of the legal regime of free passage through the Danish straits. In Finland's view, these rights had been ignored by Denmark's refusal to enter into negotiations with Finland in order to find a solution and by its insistence that the planned bridge project be completed without modification.

84. Accordingly, the Republic of Finland, reserving its right to modify or to add to its submissions and in particular its right to claim compensation for any damage or loss arising from the bridge project, asked the Court to adjudge and declare:

"(a) That there is a right of free passage through the Great Belt which applies to all ships entering and leaving Finnish ports and shipyards;

(b) That this right extends to drill ships, oil rigs and reasonably foreseeable ships;

(c) That the construction of a fixed bridge over the Great Belt as currently planned by Denmark would be incompatible with the right of passage mentioned in subparagraphs (a) and (b) above;

(d) That Denmark and Finland should start negotiations, in good faith, on how the right of free passage, as set out in subparagraphs (a) to (c) above shall be guaranteed."

85. On 23 May 1991 Finland filed in the Registry a request for the indication of provisional measures, contending that "construction work for the East Channel bridge would prejudice the very outcome of the dispute"; that "the object of the Application relates precisely to the right of passage which the completion of the bridge project in its planned form will effectively deny"; and that "in particular, the continuation of the construction work prejudices the negotiating result which the Finnish submissions in the Application aim to attain".

86. Finland accordingly requested the Court to indicate the following provisional measures:

"(1) Denmark should, pending the decision by the Court on the merits of the present case, refrain from continuing or otherwise proceeding with such construction works in connection with the planned bridge project over the East Channel of the Great Belt as would impede the passage of ships, including drill ships and oil rigs, to and from Finnish ports and shipyards;"

and

"(2) Denmark should refrain from any other action that might prejudice the outcome of the present proceedings."

87. Finland chose Mr. Bengt Broms and Denmark Mr. Paul Henning Fischer to sit as judge ad hoc. Both judges ad hoc made the solemn declaration required by the Statute and Rules of Court at the public sitting of 1 July 1991 (see below, para. 88).

88. Between 1 and 5 July 1991, the Court, at 6 public sittings, heard the oral observations of both Parties on the request for provisional measures.

89. By an Order of 29 July 1991 (I.C.J. Reports 1991, p. 12), the Court found, unanimously, "that the circumstances as they now present themselves to the Court, are not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures". Judge Tarassov appended a declaration, and Vice-President Oda, Judge Shahabuddeen and Judge ad hoc Broms separate opinions to the Order.

90. By an Order of 29 July 1991 (I.C.J. Reports 1991, p. 41), the President of the Court, after a meeting with the Agents of the Parties held on the same day, at which the Parties agreed on the time-limits set out hereafter, fixed 30 December 1991 as the time-limit for the filing of the Memorial of Finland and 1 June 1992 as the time-limit for the filing of the Counter-Memorial of Denmark.

11. Proceedings instituted by Qatar against Bahrain

91. On 8 July 1991, the Government of the State of Qatar filed in the Registry of the Court an Application instituting proceedings against the Government of the State of Bahrain "in respect of certain existing disputes between them relating to sovereignty over the Hawar islands, sovereign rights over the shoals of Dibal and Qit'at Jaradah, and the delimitation of the maritime areas of the two States".

92. Qatar claims that its sovereignty over the Hawar islands is well founded on the basis of customary international law and applicable local practices and customs. It has therefore continuously opposed a decision announced by the British Government in 1939, during the time of the British presence in Bahrain and Qatar (which came to an end in 1971), that the islands belonged to Bahrain. This decision was, in the view of Qatar, invalid, beyond the power of the British in relation to the two States, and not binding on Qatar.

93. With regard to the shoals of Dibal and Qit'at Jaradah, a further decision of the British Government in 1947 to delimit the sea-bed boundary between Bahrain and Qatar purported to recognize that Bahrain had "sovereign rights" in the areas of those shoals. In that decision the view was expressed that the shoals should not be considered to be islands having territorial waters. Qatar has claimed and continues to claim that such sovereign rights as exist over the shoals belong to Qatar; it also considers however that these are shoals and not islands. Bahrain claimed in 1964 that Dibal and Qit'at Jaradah were islands possessing territorial waters, and belonged to Bahrain, a claim rejected by Qatar.

94. With regard to the delimitation of the maritime areas of the two States, in the letter informing the Rulers of Qatar and Bahrain of the 1947 decision it was stated that the British Government considered that the line divided "in accordance with equitable principles" the sea-bed between Qatar and Bahrain, and that it was a median line based generally on the configuration of the coastline of the Bahrain main island and the peninsula of Qatar. The letter further specified two exceptions. One concerned the status of the shoals; the other that of the Hawar islands.

95. Qatar states that it did not oppose that part of the delimitation line which the British Government stated was based on the configuration of the coastlines of the two States and was determined in accordance with equitable principles. It rejected and still rejects the claim made by Bahrain in 1964 (that State having refused to accept the above-mentioned delimitation by the British Government) of a new line delimiting the sea-bed boundary of the two States. Qatar bases its claims with respect to delimitation on customary international law and applicable local practices and customs.

96. Basing the Court's jurisdiction, in accordance with Article 36 (1) of the Court's Statute, on express commitments stated to have been made by Bahrain and itself in agreements of December 1987 and December 1990 concluded in the context of mediation by King Fahd of Saudi Arabia, and referring to the Parties' agreement upon the subject and scope of the disputes to be referred to the Court, the State of Qatar requests the Court:

"I. To adjudge and declare in accordance with international law

(A) that the State of Qatar has sovereignty over the Hawar islands; and

(B) that the State of Qatar has sovereign rights over Dibal and Qit'at Jaradah shoals,

and

II. With due regard to the line dividing the sea-bed of the two States described in the British decision of 23 December 1947, to draw in accordance with international law a single maritime boundary between the maritime areas of sea-bed, subsoil and superjacent waters appertaining respectively to the State of Qatar and the State of Bahrain."

B. Contentious case before a Chamber

Land, Island and Maritime Frontier Dispute
(El Salvador/Honduras: Nicaragua intervening)

97. On 11 December 1986 El Salvador and Honduras jointly notified to the Court a Special Agreement concluded between them on 24 May 1986, whereby a dispute referred to as the land, island and maritime frontier dispute would be submitted for decision to a chamber which the Parties would request the Court to form under Article 26, paragraph 2, of the Statute, to consist of three Members of the Court and two judges ad hoc chosen by each party.

98. By an Order of 8 May 1987 the Court, after having received such a request, constituted a Chamber with the original membership indicated in paragraph 4 above. The Chamber elected Judge José Sette-Camara to be its President.

99. In an Order of 13 December 1989 adopted unanimously, the Court took note of the death of Judge ad hoc Virally, of the nomination by Honduras of Mr. Santiago Torres Bernárdez to replace him and of a number of communications from the Parties, noted that it appeared that El Salvador had no objection to the choice of Mr. Torres Bernárdez, and that no objection appeared to the Court itself, and declared the Chamber to be composed as follows: Judges José Sette-Camara (President of the Chamber), Shigeru Oda and Sir Robert Jennings; Judges ad hoc Nicolas Valticos and Santiago Torres Bernárdez. Judge Shahabuddeen appended a separate opinion to the Order. Judge Torres Bernárdez made the solemn declaration required by the Statute and Rules of Court at the first public sitting held by the Chamber thereafter, on 5 June 1990.

100. The written proceedings in the case have taken the following course: Each party filed a Memorial within the time-limit of 1 June 1988 which had been fixed therefor by the Court after ascertainment of the Parties' views. The Parties having requested, by virtue of their Special Agreement, that the written proceedings should also consist of Counter-Memorials and Replies, the Chamber authorized the filing of such pleadings and fixed time-limits accordingly. At the successive requests of the Parties, the President of the Chamber extended those time-limits, by Orders made on 12 January 1989 and 13 December 1989 to 10 February 1989 and 12 January 1990 respectively. Each Party's Counter-Memorial and Reply were filed within the time-limits as thus extended.

101. On 17 November 1989 Nicaragua addressed to the Court an Application under Article 62 of the Statute for permission to intervene in the case. Nicaragua stated that it had no intention of intervening in respect of the dispute concerning the land boundary between El Salvador and Honduras, its object being:

> "First, generally to protect the legal rights of the Republic of Nicaragua in the Gulf of Fonseca and the adjacent maritime areas by all legal means available.

Secondly, to intervene in the proceedings in order to inform the Court of the nature of the legal rights of Nicaragua which are in issue in the dispute. This form of intervention would have the conservative purpose of seeking to ensure that the determination of the Chamber did not trench upon the legal rights and interests of the Republic of Nicaragua, and Nicaragua intends to subject itself to the binding effect of the decision to be given."

Nicaragua further expressed the view that its request for permission to intervene was a matter exclusively within the procedural mandate of the full Court.

102. In an Order of 28 February 1990, adopted by 12 votes to 3, the Court, having considered the observations submitted by the Parties on that last point and the Applicant's comments thereon, concluded that it was sufficiently informed of the views of the States concerned, without there being any need for oral proceedings, and found that it was for the Chamber formed to deal with the case to decide whether the application for permission to intervene should be granted. Judge Oda appended a declaration, and Judges Elias, Tarassov and Shahabuddeen dissenting opinions to the Order.

103. Between 5 and 8 June 1990 the Chamber, at five public sittings, heard oral arguments on the Nicaraguan Application for permission to intervene, presented on behalf of Nicaragua, El Salvador and Honduras.

104. At a public sitting held on 13 September 1990, the Chamber delivered its Judgment on the Application by Nicaragua for permission to intervene (I.C.J. Reports 1990, p. 92), the operative part of which reads as follows:

"THE CHAMBER,

Unanimously,

1. Finds that the Republic of Nicaragua has shown that it has an interest of a legal nature which may be affected by part of the Judgment of the Chamber on the merits in the present case, namely its decision on the legal régime of the waters of the Gulf of Fonseca, but has not shown such an interest which may be affected by any decision which the Chamber may be required to make concerning the delimitation of those waters, or any decision as to the legal situation of the maritime spaces outside the Gulf, or any decision as to the legal situation of the islands in the Gulf;

2. Decides accordingly that the Republic of Nicaragua is permitted to intervene in the case, pursuant to Article 62 of the Statute, to the extent, in the manner and for the purposes set out in the present Judgment, but not further or otherwise."

105. Judge Oda appended a separate opinion to the Judgment I.C.J. Reports 1990, p. 138).

106. By an Order of 14 September 1990 (I.C.J. Reports 1990, p. 146), the President of the Chamber, having ascertained the views of the Parties and of the intervening State, fixed 14 December 1990 as the time-limit for the submission by Nicaragua of a written statement and 14 March 1991 as the time-limit within which the Parties might, if they so desired, furnish their written observations on the written statement of Nicaragua. Both the written statement by Nicaragua and the written observations thereon by the two Parties were filed within the prescribed time-limit.

107. At 50 public sittings, held between 15 April and 14 June 1991, the Chamber heard oral arguments by the two Parties, as well as Nicaragua's observations with respect to the subject-matter of its intervention and the two Parties' observations thereon. It also heard a witness, presented by El Salvador.

108. At the time of preparation of this report, the Chamber is deliberating on its Judgment.

IV. THE COURT AND THE UNITED NATIONS DECADE OF INTERNATIONAL LAW

109. Further to the developments with regard to the "United Nations Decade of International Law", taken note of in the Court's previous report to the General Assembly (A/45/4, at p. 13), the Legal Counsel of the United Nations, on behalf of the Secretary-General, wrote to the President of the Court (letters of 16 January and 2 February 1991), inviting the Court

> "to submit views on the programme for the Decade and on appropriate action to be taken during the Decade, including the possibility of holding a third international peace conference or other suitable international conference at the end of the Decade".

110. The reply of the Court has been published in General Assembly document A/45/430 of 12 September 1990, at pp. 66-70.

111. The Court has further taken note of the full text of the above-mentioned report, with its addenda, as well as of the report of the Working Group on the United Nations Decade of International Law to the Sixth Committee during the last session of the General Assembly (A/C6/45/L5, cf. especially p.12) and of General Assembly resolution 45/40, of 28 November 1990.

V. VISITS AND CONTACTS

A. Visit of a Head of State

112. On 24 October 1990 the President of the Republic of South Africa, H.E. Mr. Frederik Willem de Klerk visited the Court. He was received in private by the then President José Maria Ruda, Members of the Court and the Registrar.

B. Contacts with other judicial bodies

113. In the framework of its relationships with other judicial organs of the international community, the Court received, on 14 June 1991, the President and Members of the Court of Justice of the Andean Pact (Tribunal de Justicia del Acuerdo de Cartagena).

VI. LECTURES ON THE WORK OF THE COURT

114. Many talks and lectures on the Court were given by the President, Members of the Court, the Registrar and officials of the Registry in order to improve public understanding of the judicial settlement of international disputes, the jurisdiction of the Court and its function in advisory cases.

VII. COMMITTEES OF THE COURT

115. The committees constituted by the Court to facilitate the performance of its administrative tasks, which met several times during the period under review, were composed as follows as from 7 February 1991 (for their composition before that date, see the previous report):

(a) The Budgetary and Administrative Committee: the President, the Vice-President and Judges Schwebel, Bedjaoui, Tarassov, Guillaume and Shahabuddeen;

(b) The Committee on Relations: Judges Bedjaoui, Ni and Aguilar Mawdsley;

(c) The Library Committee: Judges Ago, Weeramantry and Ranjeva.

116. The Rules Committee, constituted by the Court in 1979 as a standing body, is composed of Judges Lachs, Ago, Bedjaoui, Ni, Evensen, and Tarassov.

VIII. PUBLICATIONS AND DOCUMENTS OF THE COURT

117. The publications of the Court are distributed to the Governments of all States entitled to appear before the Court, and to the major law libraries of the world. The sale of those publications is organized by the Sales Sections of the United Nations Secretariat, which are in touch with specialized booksellers and distributors throughout the world. A catalogue (latest edition: 1988) is, with its annual addenda, distributed free of charge.

118. The publications of the Court include at present three annual series: Reports of Judgments, Advisory Opinions and Orders (also published in separate fascicles), a Bibliography of works and documents relating to the Court, and a Yearbook (in the French version: Annuaire). The most recent publication in the first series is I.C.J. Reports 1989. Bibliography No. 43 (1989) has been published during the period covered by this report.

119. Even before the termination of a case, the Court may, after ascertaining the views of the parties, make the pleadings and documents available on request to the Government of any State entitled to appear before the Court. The Court may also, after ascertaining the views of the parties, make them accessible to the public on or after the opening of the oral proceedings. The documentation of each case is published by the Court after the end of the proceedings, under the title Pleadings, Oral Arguments, Documents. In that series, the volume in the case concerning the Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947, the two volumes in the case concerning Continental Shelf (Libyan Arab Jamahiriya/Malta), the volume in the case concerning Application for Review of Judgment No. 333 of the United Nations Administrative Tribunal, the volume in the case concerning Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) (Tunisia v. Libyan Arab Jamahiriya), as well as Volumes II to V in the case concerning the Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America) have been published during the period under review.

120. In the series Acts and Documents concerning the Organization of the Court, the Court also publishes the instruments governing its functioning and practice. No. 4 in this series, which was issued after the revision of the Rules adopted by the Court on 14 April 1978, having been exhausted, a new but little-changed edition (No. 5) has been published to replace it in 1989.

121. An off-print of the Rules of Court is available in French and English. Unofficial Arabic, Chinese, German, Russian and Spanish translations of the Rules are also available.

122. The Court distributes press communiqués, background notes and a handbook in order to keep lawyers, university teachers and students, government officials, the press and the general public informed about its work, functions and jurisdiction. The third edition of the handbook appeared at the end of 1986, on the occasion of the Court's fortieth anniversary, in English and French. Arabic, Chinese, Russian and Spanish translations of that edition have been published in 1990. A German version of the first edition is still available.

123. More comprehensive information on the work of the Court during the period under review will be found in the I.C.J. Yearbook 1990-1991, to be issued in due course.

(Signed) R.Y. JENNINGS
President of the International
Court of Justice

The Hague, 26 August 1991

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